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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICKEY CALHOUN,  
  
Plaintiff,  
  
v.  
  
SPECIAL COMMITMENT CENTER,  
WASHINGTON STATE DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES *et al.*,  
  
Defendants.

Case No. C08-5101RBL/JKA  
  
REPORT AND  
RECOMMENDATION  
  
**NOTED FOR:  
October 10, 2008**

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Before the court is defendant’s motion to “strike the amended complaint” (Dkt # 67). In the body of the motion defendants ask that this action be dismissed with prejudice (Dkt # 67). Defendants bring the motion pursuant to Fed. R. Civ. P 12 (e). Defendants previously moved for a more definite statement (Dkt # 34). That motion was granted, in part, because plaintiff had not tied any of the alleged facts to any specific cause of action (Dkt # 63). Plaintiff has cured that defect. The amended complaint specifies which defendants and

1 what facts are germane to each cause of action. Defendants argue that the amended complaint  
2 repetitively sets forth paragraphs from earlier in the complaint. The court disagrees. Plaintiff has now  
3 specified what facts he alleges for each cause of action and which defendants are associated with those  
4 facts. While plaintiff is verbose in setting forth unnecessary detail and alleged verbatim statements, the  
5 amended complaint is a document that sets for the claims in a manner they can be answered

6 The motion to strike the amended complaint and dismiss this action should be **DENIED**.  
7 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties  
8 shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
9 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas  
10 v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is  
11 directed to set the matter for consideration on **October 10, 2008**, as noted in the caption.

12 DATED this 9 day of September, 2008.

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14 /S/ J. Kelley Arnold  
15 J. Kelley Arnold  
16 United States Magistrate Judge  
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